

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

GENE W. MILLER,	:	
Petitioner,	:	
	:	
v.	:	No. 2:16-CV-5041
	:	
WARDEN MR. MOONEY and DISTRICT	:	
ATTORNEY of PHILADELPHIA COUNTY,	:	
Respondents.	:	

ORDER

AND NOW, this 19th day of December, 2016, for the reasons set forth in the Memorandum issued this date, **IT IS HEREBY ORDERED THAT:**

1. The revised habeas petition, ECF No. 5, is **DISMISSED**;
2. There is no basis for the issuance of a certificate of appealability;¹ and
3. The Clerk of Court shall **CLOSE** this case.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.
JOSEPH F. LEESON, JR.
United States District Judge

¹ Reasonable jurists would not find it debatable or wrong that the habeas petition is time-barred. *See* 28 U.S.C. § 2253(c); *Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000) (holding that for a certificate of appealability to issue when a habeas petition has been dismissed on procedural grounds, a petitioner must make a substantial showing of the denial of a constitutional right and show that jurists of reason could conclude that the dismissal was debatable or incorrect).